

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 1:23-mj-00230

ANDREW BLAIR HOWARD,

Hon. Raymond S. Kent
U.S. Magistrate Judge

Defendant.

_____ /

SECOND SET OF STIPULATIONS

Defendant Andrew Blair Howard, through his attorney, Anthony J. Valentine, and the United States of America, through its attorneys, Mark A. Totten, United States Attorney and Lauren F. Biksacky, Assistant United States Attorney, hereby enter the following stipulations¹ in the trial of this matter:

10. Defendant's **Exhibit A** is a series of aerial photographs taken at the mouth of the Platte River during the times noted thereon. **Defendant's Exhibit A** is authentic and admissible at trial.

11. **Defendant's Exhibit B** is an aerial photograph taken from above the Platte River and Lake Michigan from a helicopter on or about August 18, 2022. **Defendant's Exhibit B** is authentic and admissible at trial.

12. **Defendant's Exhibit C** is an aerial photograph taken from above the Platte River and Lake Michigan from a helicopter on or about August 18, 2022. **Defendant's Exhibit C** is authentic and admissible at trial.

13. **Defendant's Exhibit D** is an aerial photograph taken from above the Platte River and Lake Michigan from a helicopter on or about August 18, 2022. **Defendant's Exhibit D** is authentic and admissible at trial.

¹These Stipulations follow, in numerical sequence, those Stipulations entered by the parties in the government's filing titled "Trial Stipulations" (ECF No. 12).

14. **Defendant's Exhibit E** is an aerial image of the Platte River and Lake Michigan taken during May 2022 prior to the events in this case. **Defendant's Exhibit E** is authentic and admissible at trial.

15. **Defendant's Exhibit F** is a photograph taken on August 18, 2022 at 11:09 a.m. at the Platte River. **Defendant's Exhibit F** is authentic and admissible at trial.

16. **Defendant's Exhibit G** is a photograph taken on August 15, 2022 at approximately 4:03 p.m. at the Platte River. **Defendant's Exhibit G** is authentic and admissible at trial.

17. **Defendant's Exhibit H** is a thirty-eight second long video taken at approximately sometime in the hour before 3:24 p.m. on August 15, 2022 at the beach at the Platte River and Lake Michigan. **Defendant's Exhibit H** is authentic and admissible at trial.

18. **Defendant's Exhibit I** is a photograph taken at the Platte River and Lake Michigan on August 15, 2022 at approximately 6:06 p.m. **Defendant's Exhibit I** is authentic and admissible at trial.

19. **Defendant's Exhibit J** is a photograph taken at the Platte River and Lake Michigan on August 15, 2022 at approximately 6:06 p.m. **Defendant's Exhibit J** is authentic and admissible at trial.

20. **Defendant's Exhibit K** is a photograph taken at the Platte River and Lake Michigan on August 15, 2022 at approximately 6:12 p.m. **Defendant's Exhibit K** is authentic and admissible at trial.

21. **Defendant's Exhibit L** is a photograph taken on August 15, 2022 at approximately 2:51 p.m. at the Platte River. **Defendant's Exhibit L** is authentic and admissible at trial.

22. **Defendant's Exhibit M** is a photograph taken on August 15, 2022 at approximately 2:27 p.m. at the Platte River and Lake Michigan. **Defendant's Exhibit M** is authentic and admissible at trial.

23. **Defendant's Exhibit N** is a photograph taken on August 15, 2022 at approximately 4:11 p.m. at the Platte River and Lake Michigan. **Defendant's Exhibit N** is authentic and admissible at trial.

24. **Defendant's Exhibit O** is a photograph taken on August 15, 2022 at approximately 4:58 p.m. at the Platte River and Lake Michigan. **Defendant's Exhibit O** is authentic and admissible at trial.

25. **Defendant's Exhibit P** is a photograph taken on August 17, 2022 at approximately 3:08 p.m. at the Platte River and Lake Michigan. **Defendant's Exhibit P** is authentic and admissible at trial.

26. **Defendant's Exhibit Q** is a photograph taken on August 14, 2022 during the late afternoon/early evening hours at the Platte River and Lake Michigan. **Defendant's Exhibit Q** is authentic and admissible at trial.

27. **Defendant's Exhibit R** is a photograph taken on August 14, 2022 during the late afternoon/early evening hours at the Platte River and Lake Michigan. **Defendant's Exhibit R** is authentic and admissible at trial

28. **Defendant's Exhibit S** is a copy of a credit card sales receipt dated August 15, 2022, from the Frankfort Hardware Store located in Frankfort, Michigan., along with the hardware store's internet advertisement for the sale of each of the shovels identified on the receipt. **Defendant's Exhibit S** is authentic and admissible at trial.

29. **Defendant's Exhibit T** is an eighteen second video recording taken August 15, 2022, at 4:03 p.m. at the Platte River and Lake Michigan. **Defendant's Exhibit T** is authentic and admissible at trial.

Respectfully submitted ,

Dated: February 2, 2024

/s/ Anthony J. Valentine
Anthony J. Valentine
Attorney at Law
Attorney for Defendant Andrew Blair
Howard
Ste. 212, 29 Pearl St., NW
Grand Rapids, MI 49503
(616) 288-5410
tonyvalentinelaw@gmail.com

Dated: _____

Andrew Blair Howard, Defendant

MARK A. TOTTEN,
United States Attorney

Dated: February 2, 2024

/s/ Lauren F. Biksacky (w/permission)
LAUREN F. BIKSACKY
Assistant United States Attorney
P.O. Box 208
Grand Rapids, MI 49501-0208
(616) 456-2404
lauren.biksacky@usdoj.gov